

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Hon. Janet M. Beckering

v.

Case No. 1:23-cr-00064

JOSEPH MICHAEL McNORIELL,

Defendant.

ORDER OF DETENTION

This matter is before the Court on the government's motion for pretrial detention. Defendant has been charged in a two count Indictment. Count 1 charges defendant with conspiracy to distribute and possess with intent to distribute controlled substances, in violation of 21 U.S.C. §§ 846 and 21:841(a)(1), and count 2 charges him with possession with intent to distribute 500 grams or more of cocaine, in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(B)(ii). Given the nature of the charges, there is a statutory rebuttable presumption in favor of detention.

The government sought defendant's detention on the basis that he is a danger to the community, 18 U.S.C. § 1342(f)(1) and that he poses a risk of non-appearance, 18 U.S.C. § 3142(f)(2)(A). The Court conducted a hearing on August 10, 2023, at which defendant was represented by counsel.

Having considered the information presented at the hearing, the parties' oral submissions, and the information in the Pretrial Services Report, and for the reasons stated on the record, the Court finds that defendant has rebutted the statutory

presumption of detention as to risk of non-appearance and as to danger to the community. The Court also finds, however, as explained on the record, that the government has not met its burden by preponderant evidence that the defendant poses a risk of non-appearance. However, the government has met its burden by clear and convincing evidence that he poses a danger to the community. The Court further finds that there is no condition or combination of conditions that will ensure the safety of the community. Accordingly,

IT IS ORDERED that defendant is committed to the custody of the Attorney General pending trial.

DONE AND ORDERED on August 10, 2023.

/s/ Phillip J. Green
PHILLIP J. GREEN
United States Magistrate Judge